

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,      )  
                                    )  
                                    )  
Plaintiff,                      )  
                                    )  
vs.                              )      Case No. 4:07CR0511 JCH/TCM  
                                    )  
                                    )  
DENISE HARDY, DPM, and        )  
SOUTH ST. LOUIS ORTHOPEDIC    )  
GROUP, INC.,                    )  
                                    )  
Defendants.                    )

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

In accordance with the Memorandum filed herein,

**IT IS HEREBY RECOMMENDED** that Defendants' Motions to Dismiss Count I for Duplicity [Docs. 20 and 24] should be **DENIED**.

**IT IS FURTHER RECOMMENDED** that Defendant Hardy's Motion to Dismiss Counts I and II because they are multiplicitous [Doc. 24] should be **DENIED**.

**IT IS FURTHER RECOMMENDED** that Defendant Orthopedic Group's Motion to Strike Surplusage [Doc. 21] should be **DENIED**.

The parties are advised that they have eleven (11) days in which to file written objections to this Recommendation and the Memorandum incorporated herein pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained, and that failure to file timely objections may result in waiver of the right to appeal questions of fact.

See **Thompson v. Nix**, 897 F.2d 356 (8th Cir. 1990).

/s/ **Thomas C. Mummert, III**  
THOMAS C. MUMMERT, III  
UNITED STATES MAGISTRATE JUDGE

Dated this 26th day of October, 2007.